

'Phantom Of The Fox' Gets To Keep Apartment 10-26-2010



Joe Patten, known as the "Phantom of the Fox," has won the right to remain in his apartment at the historic Fox Theatre after a legal battle.

Patten, who's 83, has lived in an apartment in the Fox since 1979, when he signed a lifelong lease. The board of trustees of the nonprofit Atlanta Landmarks in August voted to terminate that lease.

Patten, Wednesday afternoon, said he has won. "I always thought it was going to be this way. It had to be. There was no other way for this to work out," Patten said.

A judge was to decide Wednesday whether to allow Patten to stay while litigation continues, but attorneys reached an agreement that allows him to remain under the terms of his original lease

Earlier, the board said it had offered Patten a new occupancy agreement but that the theater is not an appropriate setting for assisted living.

CBS Atlanta learned the theater called assisted living homes, without Patten's knowledge.

Patten's lawyer said Atlanta Landmarks discriminated against Patten based on his physical condition.

Attorneys for the Fox kept walking as CBS Atlanta tried to ask them why settled on the deal.

"We didn't settle," Steve Ensor said. "We just agreed to get it done until it can be resolved."

The Fox Theatre released this statement:

"Today, Judge Baxter and both parties agreed to keep the 1979 lease in place permitting Mr. Patten to live in the apartment for the time being. It has and continues to be the intent of Atlanta Landmarks to allow Mr. Patten to live in the apartment as long as he is able. The parties also agreed to discuss concerns about security and management in and around the apartment. We hope that today's proceedings will lead to a mutually beneficial resolution, which has always been our desire."

That means the case is not over. There is a possibility it can go back to court, but for now the "Phantom of the Fox" can stay at the theater.